

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DONALD WAGNER,	:	Case No. 12-CV-03004-ER
	:	
Plaintiff,	:	ORDER TO SHOW CAUSE
	:	WITH TEMPORARY
- against -	:	RESTRAINING ORDER
	:	
CONDORS SWIM CLUB OF CLARKSTOWN INC.,	:	
ROBERT CARLUCCI and JOSEPH P. CARLUCCI	:	
(sued herein as James Patrick Carlucci)	:	
	:	
Defendants.	:	

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Upon the annexed affidavit of Robert A. Carlucci, sworn to on April 21, 2012, and the exhibits annexed thereto, the accompanying memorandum of law, the complaint and defendants' answer with counterclaims,

It is ORDERED that Plaintiff, Donald Wagner, show cause before this Court, Room 621 of the United States Courthouse, Southern District of New York, 300 Quarropas Street, White Plains, New York 10601 on April __, 2012 at _____ thereof, why an order should not be issued:

- a. Directing Wagner to submit to an immediate deposition under oath to disclose what he did with the electronic files he copied on Easter Sunday;
- b. Directing that Wagner surrender for forensic analysis the personal computer or other device he used to access the Robert.PST file in the late afternoon of Easter Sunday, after he had left Defendants' offices.

- c. Enjoining Wagner from any use of the Condors' e-mail lists or other files or proprietary information either directly or indirectly through his supporters or anyone acting in concert with him;
- d. Enjoining Wagner from viewing, copying, printing, forwarding or otherwise disseminating any of the content of the Robert.PST file he copied from Defendants' office computers;
- e. Enjoining Wagner from coaching for any private swim team within the territory described in his Employment Agreement.

IT IS FURTHER ORDERED, that pending the return date hereof, Wagner is temporarily restrained and enjoined from engaging in the conduct set forth in paragraphs (c), (d) and (e) above;

IT IS FURTHER ORDERED, that the moving defendant shall file a bond in the amount of _____ no later than _____ on April __, 2012;

IT IS FURTHER ORDERED, that Plaintiff's opposition papers shall be electronically filed no later than _____ on April __, 2012;

IT IS FURTHER ORDERED, that Defendants' reply papers shall be electronically filed no later than _____ on April __, 2012;

IT IS FURTHER ORDERED, that a copy of this order, together with the papers upon which it is granted be served upon the attorneys for Plaintiff on or before April __, 2012 at _____ and that such service be deemed good and sufficient.

Hon. Edgardo Ramos
United States District Judge